

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



January 23, 2014

Jim Mack, Acting Chief Building Official
Community and Economic Development Department
City of Modesto
1010 Tenth Street, Suite 3100
Modesto, CA 95354

RE: Ordinance #3591 through 3595

Dear Mr. Mack:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on December 10, 2013.

Our review finds the submittal to contain five ordinances modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modifications are accepted for filing and are enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the Commission. The Commission is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code are specific to a particular edition of the code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the code is published.

On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code §13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than this Commission. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in blue ink, appearing to read "Enrique M. Rodriguez", is written over the typed name.

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings

O'Brien, Laurie@DGS

From: Jim Mack <jmack@modestogov.com>
Sent: Monday, December 09, 2013 9:41 AM
To: OrdinanceFilings@DGS
Cc: Michael Payton; Brent Sinclair; Cindy Haynes
Subject: City of Modesto Adoption of the 2013 California Building Standards Code
Attachments: 2013 Filing.pdf

RECEIVED
2013 DEC 10 AM 11:37
CITY OF MODESTO
BUILDING STANDARDS COMMISSION

Follow Up Flag: Follow up
Flag Status: Completed

For your consideration please find the attached Filing for the 2013 California Building Standards Code.

Thank you,

Jim Mack
Acting Chief Building Official
City of Modesto
209-577-5242

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Let us know how we're doing... please take our Customer Satisfaction Survey.



City of Modesto
Community and Economic Development Department
Building Safety and Neighborhood Preservation Division

*1010 Tenth Street, Suite 3100
Modesto, CA 95354*

December 4, 2013

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833-2936

Subject: City of Modesto Adoption of the 2013 California Building Standards Code

To Whom It May Concern:

This letter serves to notify you that the City of Modesto City Council adopted the 2013 California Building Standards Code on December 3, 2013. Enclosed please find a copy of the ordinances for your file. The necessary findings for the revisions to the Fire Code are included.

If you have further questions, please contact me at 209-577-5242

Sincerely,

Jim Mack
Acting Chief Building Official
City of Modesto

Enclosure

Cc: Mike Payton, Fire Marshal
Brent Sinclair, Community and Economic Development Director
File

CITY OF MODESTO
ORDINANCE NOs. 3591 thru 3595-C.S

The following Ordinances were introduced by the City Council of the City of Modesto at the Council meeting of November 12, 2013:

Ordinance No. 3591-C.S. amending Chapter 1 of Title 3 of the Modesto Municipal Code and adopting the 2013 California Fire Code.

Ordinance No. 3592-C.S. amending Articles 1, 2, 5, 8, 16, and 17 of Chapter 1 of Title 9 of the Modesto Municipal Code; amending Sections 9-1.101, 9-1.101.1, 9-1.201, 9-1.204, 9-1.502(a)(b), 9-1.1602.1, 9-1.1602.2, 9-1.1602.3, 9-1.1602.4, 9-1.1701 and 9-1.1702; and adding Section 9-1.807.1 thereto relating to the Building Code.

Ordinance No. 3593-C.S. amending Articles 1 and Article 2 of Chapter 3 of Title 9 of the Modesto Municipal Code amending Sections 9-3.101, 9-3.201, and 9-3.204 relating to the Electrical Code.

Ordinance No. 3594-C.S. amending Article 1 and Article 2 of Chapter 7 of Title 9 of the Modesto Municipal Code; amending Sections 9-7.101, 9-7.201 and 9-7.204 relating to the Mechanical Code.

Ordinance 3595-C.S. amending Article 1 and Article 2 of Chapter 2 of Title 9 of the Modesto Municipal Code relating to the Plumbing Code.

Copies of the above-mentioned ordinance are posted at the following locations:

Tenth Street Place, 1010 10th Street
Maddux Youth Center, 615 Sierra Drive
Fire Station #3, 635 El Vista Avenue
Fire Station #6, 2700 Standiford Avenue
King-Kennedy Center, 601 N. Martin Luther King Drive

STEPHANIE LOPEZ
City Clerk

ORDINANCE NO. 3591-C.S.

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 3 OF THE MODESTO MUNICIPAL CODE AND ADOPTING BY REFERENCE THE CALIFORNIA FIRE CODE, 2013 EDITION, REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSIVE HAZARDS ARISING FROM THE STORAGE, HANDLING, AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE CITY OF MODESTO; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES, PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING ALL ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Chapter 1 of Title 3 of the Modesto

Municipal Code is hereby amended to read as follows:

**CHAPTER 1. ADOPTION OF THE CALIFORNIA FIRE CODE,
2013 EDITION**

ARTICLE 1. FIRE CODE

**3-1.101. FINDINGS FOR ADOPTION OF THE CALIFORNIA FIRE
CODE, 2013 EDITION.**

The City Council of the City of Modesto hereby finds and determines: That the International Code Council is a private organization which has been in existence for at least three (3) years. That the California Fire Code, 2013 Edition, published by said organization, is a nationally recognized compilation of proposed rules, regulations, and standards of said organization. That said California Fire Code, 2013 Edition has been printed and published as a code in book form within the meaning of Section 50022.2 et seq. of the Government Code. That one (1) copy of the California Fire Code, 2013 Edition, certified by the City Clerk of the City of Modesto to be a true copy, has been filed for use and examination by the public

in the office of the City Clerk of the City of Modesto. Sections of the California Fire Code, 2013 Edition may be referred to by the number used in said published compilation, preceded by the words "California Fire Code Section" or "Fire Code Section", and may also be referred to by additional reference to the Modesto Municipal Code and sections therein pertaining to said California Fire Code, 2013 Edition.

The additional requirements and standards established herein are needed to properly protect the health, safety, and welfare of the existing and future residents and workers of the City of Modesto. Said requirements and standards are reasonably necessary because of local climatic, geological, and topographical conditions, and comply with existing state laws and regulations.

Amendment of the California Fire Code, 2013 Edition, is necessary so as to provide more stringent standards for fire extinguishing systems; fire hazard and hazardous materials controls is necessary to serve the public interest by reducing the risk to life and property of the citizens of Modesto because of the following local conditions:

- (a) Summer weather conditions are very dry, hot and windy causing ordinary combustibles to be easily ignited and fires to be fast spreading;
- (b) Very dense fog conditions occur in winter. Reduced visibility causes delays in fire response;
- (c) Fire response is delayed by railroad tracks which:
 - (1) Divide the City from northeast between Tully Road and McHenry Avenue to the west side of Ninth Street;
 - (2) Run parallel to Highway 99 through the City, restricting response at locations where overpasses are not provided;
 - (3) Run parallel to Yosemite Boulevard restricting access to the airport, Tuolumne Regional Park, and adjacent areas; and
 - (4) Restrict access at intersections and streets in the areas of Ninth, Tenth, D, and E Streets.
- (d) Modesto Irrigation Canal #3 restricts access to the neighborhoods and

developments to the north and east of Briggsmore Avenue from Oakdale Road to Claus Road;

- (e) Fire response is delayed by rivers and creeks which:
 - (1) Divide the southwest area of the City and City contract areas and restrict access to these areas; and
 - (2) Divide the City from east to southwest along Scenic Drive.

THEREFORE, for the above reasons taken individually and cumulatively and in accordance with the authority granted in Sections 17958.5 and 17958.7 of the California Health and Safety Code, the Council of the City of Modesto expressly finds there are local climatic and topographical conditions that make the increased fire protection requirements set forth in this chapter reasonably necessary.

3-1.102. ADOPTION BY REFERENCE OF THE CALIFORNIA FIRE CODE, 2013 EDITION.

- (a) That certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Modesto, being marked and designated as the California Fire Code, 2013 Edition, California Code of Regulations Title 24, Part 9, including Appendix Chapter 4, and Appendix B, BB, C, CC, E, F, G, I, K and Division II Administration as published by the International Code Council, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and providing penalties for the violation thereof; and each and all of the regulations, provisions, penalties, conditions and terms of said California Fire Code, 2013 Edition, on file in the office of the City Clerk of the City of Modesto is hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in this chapter be and is hereby adopted as the Fire Code of the City of Modesto.
- (b) These regulations shall be known as the Fire Code of the City of Modesto and may be cited as such or may be cited as the "California Fire Code, 2013 Edition," the "2013 California Fire Code", "the Fire Code", or "this Code."

3-1.103. REPEAL OF CONFLICTING ORDINANCES.

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or with the 2013 California Fire Code as adopted and amended are hereby repealed.

ARTICLE 2. AMENDMENTS, ADDITIONS AND DELETIONS TO THE 2013 CALIFORNIA FIRE CODE

3-1.201. COMBUSTIBLE WASTE MATERIAL.

Section 304.1.2 of the 2013 California Fire Code is hereby amended by adding the following:

304.1.2. Vegetation. When the Fire Code Official determines that total removal of growth is impractical due to the size or environmental factors, approved fuel breaks shall be established. Designated areas shall be cleared of combustible vegetation to establish the fuel breaks.

Abatement of a public nuisance shall be in accordance with Article 6 of Chapter 6 of Title 1 of the Modesto Municipal Code. The Fire Department may impose a nuisance abatement lien pursuant to Section 1-6.702 of the Modesto Municipal Code.

The Fire Department may recover, from a property owner, those costs associated with the suppression costs incurred in fighting a fire and for providing rescue or emergency medical services should a fire occur on said property after the owner has been notified to abate such public nuisance and has failed to do so.

3-1.202. VEHICLE IMPACT PROTECTION.

Section 312.2 of the 2013 California Fire Code is hereby amended to read as follows:

312.2. Posts. Guard posts or other approved means shall be provided to protect storage tanks and connected piping, valves and fittings; dispensing

areas; and use areas subject to vehicular damage. When guard posts are installed, the posts shall be:

1. Constructed of steel not less than six (6) inches in diameter and concrete filled,
2. Spaced not more than four (4) feet between posts on center,
3. Set not less than three (3) feet deep in a concrete footing of not less than a fifteen (15) inch diameter,
4. Set with the top of the posts not less than three (3) feet above ground, and
5. Located not less than five (5) feet from the tank.

3-1.203. FIRE PROTECTION AND WATER SUPPLIES.

Section 507.1 of the 2013 California Fire Code is hereby amended to read as follows:

507.1. Required Water Supply.

- (a) An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, building or portions of buildings are hereafter constructed or moved into or within the jurisdiction. See Appendix-B of the 2013 California Fire Code.
- (b) Fire hydrants shall be located on the supply side of the fire suppression system check valve.
- (c) Fire hydrants shall be accessible to the Fire Department apparatus by roads meeting the requirements of Section 503.1 of the 2013 California Fire Code.

3-1.204. FUEL FIRED APPLIANCES.

Section 603.4 of the 2013 California Fire Code is hereby amended to read as follows:

603.4. Portable Unvented Heaters. The use of listed portable unvented fuel-fired heating equipment is limited to supplemental heating in Group S-2, and U occupancies.

3-1.205. INCINERATORS.

Section 603.8 of the 2013 California Fire Code is hereby amended to read as follows:

603.8. Incinerators. The use of incinerators is prohibited inside the City limits of Modesto.

EXCEPTION: Incinerators used by state licensed facilities for the cremation of human or pet remains.

Subsections 603.8.1, 603.8.2, 603.8.3, 603.8.4 and 603.8.5 are deleted.

3-1.206. AUTOMATIC SPRINKLER SYSTEMS.

Section 903.2 of the 2013 California Fire Code is hereby amended by adding the following:

New Construction.

- (a) An approved automatic fire sprinkler system is required in all new buildings and structures constructed on or after the effective date of this ordinance, notwithstanding the use and occupancy thereof, when the total floor area under one roof exceeds five thousand (5,000) square feet. Fire area separation walls shall not be used for the purpose of eliminating automatic fire sprinkler systems required by this section.
- (b) When automatic sprinkler systems are required by the Modesto Municipal Code or the 2013 California Fire Code for certain uses and/or occupancies, the requirements of Section 903.2 of the 2013 California Fire Code shall also apply.
- (c) An approved automatic residential fire sprinkler system shall be installed in all one and two-family dwellings and townhouses in

accordance with NFPA 13D or Section R313.3 of the 2013 California Residential Code.

EXCEPTION: Carports, sheds, tanks, towers and agricultural buildings.

Existing Buildings and Structures. An approved automatic fire sprinkler system shall be installed in all existing buildings and structures when the value of additions, alterations or repairs are made within any twelve-month period that exceed fifty (50) percent of the current county assessed valuation for improvements only in the existing building or structure that exceeds five thousand (5,000) square feet or additions result in said building or structure exceeding five thousand (5,000) square feet.

EXCEPTION:

1. Carports, sheds, tanks, towers and agricultural buildings.
2. Each portion of an existing building or structure separated by one or more fire walls, constructed in accordance with the current adopted edition of the Building Code, when each portion does not exceed five thousand (5,000) square feet.

3-1.207. MONITORING.

Section 903.4.1 of the 2013 California Fire Code is hereby amended by adding the following:

Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to a UL LISTED supervising station as defined in NFPA 72 or, when approved by the Fire Code Official, shall sound an audible signal at a constantly attended location.

3-1.208. PORTABLE FIRE EXTINGUISHERS.

Section 906.9.1 of the 2013 California Fire Code is hereby amended to read as follows:

906.9.1 Extinguishers Weighing 40 Pounds or Less. Portable fire extinguishers having a gross weight not exceeding forty (40) lbs. (18 kg) shall be installed so that their tops are not more than four (4) feet above

the floor.

Existing Installations. Portable fire extinguishers shall only be required to be lowered during tenant improvements.

3-1.209. FIRE ALARM AND DETECTION SYSTEMS.

Section 907.1 of the 2013 California Fire Code is hereby amended by adding the following section:

907.1.6. Certification. A certificate from Underwriters Laboratories (UL) shall be required on all monitored commercial fire alarm systems installed after the effective date of this ordinance. UL certification shall be provided for all previously existing commercial fire alarm systems. UL certification is required to be maintained for commercial fire alarm systems throughout the life of the alarmed building.

3-1.210. FALSE FIRE ALARMS.

Section 908 of the 2013 California Fire Code is hereby amended by adding the following section:

908.7. False Fire Alarms. False fire alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted. The City Council may adopt by resolution reasonable fees to recover the costs associated with responses to building or structures that have excessive false fire alarms.

3-1.211. HOT WORKS.

Section 3504.2.6 of the 2013 California Fire Code is hereby amended to read as follows:

2604.2.6. Fire Extinguisher. A minimum of one portable fire extinguisher complying with Section 906 and with a minimum 2-A:20 B:C rating shall be readily accessible within thirty (30) feet (9144 mm) of the location where hot works is performed and shall be accessible without climbing stairs. When required by the Fire Code Official, a minimum 2-A:20-B:C rated fire extinguisher shall be mounted to each portable welding cart.

3-1.212. HAZARDOUS MATERIALS INVENTORY STATEMENT.

Section 5001.5.2 of the 2013 California Fire Code is hereby amended by adding the following:

10. Key Box. When required by the Fire Code Official, an approved key box, sized to contain emergency information, (HMMP, HMIS and Material Safety Data Sheets) shall be provided.

3-1.213 DEPOSITS OF HAZARDOUS MATERIALS; CLEANUP, ABATEMENT, OR MITIGATION REQUIRED; LIABILITY FOR COSTS.

Section 5003.3.1.4 of the 2013 California Fire Code is hereby amended to read as follows:

Responsibility for Cleanup. The person, firm or corporation responsible for an unauthorized discharge shall institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual, at no cost to the jurisdiction. When deemed necessary by the Fire Code Official, cleanup may be initiated by the Fire Department or by an authorized individual or firm. Costs associated with such cleanup shall be borne by the owner, operator or other person responsible for the unauthorized discharge. The remedy provided by this section shall be in addition to any other remedies provided by law.

For purposes of this section, costs incurred by the City shall include, but shall not necessarily be limited to, the following: actual labor costs of City personnel, including worker's compensation benefits, fringe benefits, administrative overhead; cost of equipment operation; cost of materials obtained directly by the City; and cost of any contract labor and materials. The authority to recover costs under this section shall not include actual fire suppression services that are normally or usually provided by the Fire Department.

3-1.214. STATIONARY CONTAINERS.

Section 5504.3.1.1.3 of the 2013 California Fire Code is amended by adding the

following:

Location. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited. All R-1, R-2 and R-3 zoning designations as identified in Title 10 of the Modesto Municipal Code.

3-1.215. PERMITS REQUIRED FOR EXPLOSIVES.

Section 5602 of the 2013 California Fire Code is hereby amended by adding the following:

5602.1 Permits Required. When permits are required to be issued by the Fire Code Official, the Fire Code Official may grant the authority to the agency having enforcement jurisdiction. Permit shall be obtained:

1. To possess, store, sell, display or otherwise dispose of explosive materials at any location.
2. To transport explosive materials.
3. To use explosive materials.
4. To operate a terminal for handling explosive materials.

3-1.216 NOTICE OF NEW STORAGE SITES.

Section 5603 of the 2013 California Fire Code is hereby amended by adding the following:

5603.1 Notice of New Storage Sites. When a new explosive material storage location, including a temporary job-site, is established, the local law enforcement agency and fire department shall be notified immediately of the type, quantity and location of explosive materials at the site.

3-1.217. EXPLOSIVE MATERIALS PROHIBITED AND LIMITED ACTS.

Section 5604 of the 2013 California Fire Code is hereby amended by adding the following:

5604.1 Manufacturing. Explosive materials shall not be manufactured within the city limits of Modesto.

5604.1.2 Limits Established by Law. The storage of explosives and blasting agents is restricted to those areas of the City zoned as Heavy Industrial Zone (M-2).

EXCEPTION:

1. Temporary storage for use in connection with approved blasting operations conducted in accordance with all applicable provisions of this article.
2. Wholesale and retail storage and display of ammunition and gunpowder shall be in accordance with Title 19 California Code of Regulations, Chapter 10.

3-1.218 MANUFACTURING OF FIREWORKS.

Section 5605 of the 2013 California Fire Code is hereby amended by adding the following:

5605.1 Manufacturing. The manufacturing of fireworks is prohibited within the city limits of Modesto.

3-1.219. PERMITS: DISPLAYS OF FIREWORKS AND APPEAL PROCESS.

Section 5605.2 of the 2013 California Fire Code is hereby amended by adding the following:

5605.2 Permits. The Fire Code Official may grant a permit for the display of fireworks, including proximate audience displays and pyrotechnic special effects in theatrical and group entertainment as applied for, or with conditions thereto, unless s/he finds that to do so would be contrary to the public health, safety, or welfare. The decision of the Fire Code Official shall be in writing and shall be mailed, postage prepaid, to the applicant.

5605.2.1 Appeal. The decision of the Fire Code Official, in acting on an application for permission to conduct a public display in accordance with the provisions of this section may be appealed to the City Manager. Notice of an appeal of the Fire Code Official's decision shall be filed by the applicant with the City Clerk within ten (10) days after the date of the decision. Upon failure to file such notice within the ten (10) day period, the action of the Fire Code Official shall be final and conclusive. The applicant may appeal the decision of the City Manager to the City Council by filing a notice of appeal to the City Clerk within ten (10) days after the date of the City Manager's decision. Upon failure to file such notice within the ten (10) day period, the action of the City Manager, or his/her designee, shall be final and conclusive.

5605.3 Fee. A nonrefundable fee as established by resolution of the City Council, from time to time, shall accompany every application for permission to conduct a public display of fireworks. This fee shall be in addition to any other fee or tax imposed by Title 6 of the Modesto Municipal Code.

3-1.220. SALES OF FIREWORKS.

Section 5605 of the 2013 California Fire Code is hereby amended by adding the following:

5605.4 Sales. It shall be unlawful to engage in the sale of "Safe and Sane" fireworks in the City of Modesto without first having secured a permit to do so.

- (1) Effective 2005, the total number of sales permits issued in any given year shall be limited to seventy (70).
- (2) Sales permits for the sale of "Safe and Sane" fireworks in the City of Modesto shall be issued only to local nonprofit organizations and existing local for-profit organizations as defined herein.
 - (A) A "nonprofit organization" shall mean any nonprofit association, club, or corporation organized for veteran, patriotic, welfare, religious, civic betterment, youth or charitable purposes, as defined by Section 501(c) of the Internal Revenue Code of the United States, or affiliated with a public school located within the city limits of Modesto. Each new organization shall provide the City

with a copy of their "Letters of Incorporation" as proof of their nonprofit status. Existing organizations shall submit verification of current corporation status from the State of California Secretary of State's Office. Those organizations that are an integral part of a recognized national organization having tax exempt status must provide IRS written verification of such status. All applications will be subject to additional verification with the State of California and IRS if nonprofit status comes into question.

- (B) Public school organizations shall provide current written verification of affiliation from the school each year.
- (C) A "local nonprofit organization" must have its principal and permanent meeting place in the City of Modesto or within the City of Modesto sphere of influence. The organization must have obtained nonprofit status and have been organized and established in the City of Modesto for a minimum of one (1) continuous year preceding the filing of the application for permit. The organization must also have a bona fide membership of at least ten (10) members who reside in the City of Modesto, which will be verified each year. Applications shall be signed by two (2) bona fide officers of the eligible organization, wherein the officer, on behalf of the organization and its agents, agrees to abide by State laws, administrative regulations, and all stipulations of this Code and the permit if permission to operate a fireworks stand is granted to the organization.
- (D) An "existing local for-profit organization" must have a permitted fixed business location in the City of Modesto, have been issued a fireworks sales permit the previous year, have remained under the same management and/or ownership continuously since 1999, and have paid all business license and mill tax fees due the City of Modesto by the close of the application period. In the event mill taxes and business license fees are not current the organization's application will be denied.
- (E) If any of the above items fail to be met at the time of application, the organization's application shall be denied.

- (3) Sales permits for retail sales of "Safe and Sane" fireworks in the City of Modesto issued pursuant to provision of this Code are not transferable by the holder of the permit. The sales permits may be used only by the organization to which they are issued. Violations will result in the immediate loss of the organization's sales permit.
- (4) All applications for sales permits shall be in writing to the Fire Code Official on forms supplied by the City. Applications may only be filed during normal business hours from April 1st of each year up to and including April 30th of the same year, at which time the filing period for that year will close. A separate sales permit shall be required for each proposed location of a fireworks stand.

Each organization may file an application for one (1) sales permit for which there is only one tax ID number.

- (5) Applications shall set forth the proposed location of the fireworks stand including the nine (9) digit parcel number (APN) of the Stanislaus County Assessor, a site map, and other information as may be required by the Fire Code Official.
- (6) Applicants for sales permits shall be notified by June 15th of each year by the Fire Code Official of approval or disapproval of such application. Sales permits will be issued after final inspection of the stand reveals compliance with all state and local regulations. Organizations shall not open for sales prior to the final inspection of their stand. If an organization's stand fails to pass inspection there will be a re-inspection fee charged for the third (3rd) inspection, and each inspection thereafter until final inspection is approved, as established by Resolution No. 03-446.
- (7) Every application shall be accompanied by proof of insurance as specified in Section 3-1.226. Other items required at the time of application will be the organization's verification of eligibility as stated in 2(A) above, list of bona fide members, and current written permission signed by the property owner of record (with respect to lessee permission, approval shall be in the sole discretion of the Fire Code Official to sell fireworks at that location. Organizations representing public schools, as stated in 2(B) above, require written verification from the school of their affiliation.
- (8) Every application shall be accompanied by a nonrefundable

application fee as established by resolution of the City Council from time to time. This application fee shall be in addition to any fees or taxes imposed by Title 6 of the Modesto Municipal Code.

- (9) Any local nonprofit organization as defined herein may make application for a sale permit but pre-approved (continuously permitted since 1999) organizations will have first option for a permit.
 - (A) When additional sales permits are authorized and all current pre-approved organizations have applied for such permits, a lottery will be held to fill any vacancies.
 - (B) This lottery will be held fourteen (14) days after the last day of the filing period specified in paragraph 4 and will include the names of all new local nonprofit organizations that have filed a complete application within the said filing period. If the fourteenth (14th) day falls on a weekend the lottery will be held on the next business day.
 - (C) One organization will be drawn for each available vacancy. If the organization whose name is drawn declines the permit, another name will be drawn until each vacancy is filled.
 - (D) Any organization having an approved application that fails to open their stand for that sales year will automatically forfeit their permit and a new organization will be chosen the following year provided a permit is available.
- (10) A nonprofit organization may apply for a sales permit with regard to a stand located in an area annexed by the City of Modesto under the following conditions:
 - (A) Two (2) consecutive years prior to annexation, the applicant was issued a sales permit, by the City or County in which the property was formerly located, and applicant presents proof of the issuance of said permits;
 - (B) The applicant has received a valid City of Modesto business license; and

- (C) The organization must either
- (1) Meet the criteria of set forth in Section 33-1.223(2)(A) or
 - (2) Present documentary evidence establishing its primary meeting for a minimum of two (2) years preceding application to City of Modesto was at the location for which the sales permit is currently sought.
- (D) Annexed property that was previously used for a temporary booth by an organization whose current primary meeting place is outside the city limits of Modesto is not eligible to make application for a sales permit.

Permits issued to these organizations will be issued without the necessity of being selected by lottery, even though such issuance may increase the number of permits to more than allowed herein. The addition of these organizations does not change the original intent to issue a total of seventy (70) sales permits per year.

3-1.221. SALES, STORAGE, USE, AND HANDLING OF FIREWORKS.

Section 5605 of the 2013 California Fire Code is hereby amended by adding the following:

5605.5 General. Sales, storage, use, and handling of fireworks shall be in accordance with this chapter.

1. **Sales.** Retail sale or display with the intent to sell fireworks is limited to State of California Fire Marshal approved and labeled "Safe and Sane" fireworks within the City of Modesto, by State of California licensed retailers, provided a permit to sell those fireworks has been approved and obtained from the Fire Code Official. Fireworks may be sold or offered for sale from 12:00 noon to 10:00 p.m. on June 28, 9:00 a.m. to 10:00 p.m. on June 29 through July 5, and 9:00 a.m. to 12:00 noon on July 6.

The storage of fireworks within the City of Modesto is limited to State of California Fire Marshal-approved and labeled "Safe and Sane" fireworks by State of California licensed wholesalers and

retailers.

(A) **Wholesale Storage.** Wholesalers may store "Safe and Sane" fireworks within the City of Modesto solely during the period of June 1 through July 31 of each year. Storage facilities shall comply with H3 occupancy classification requirements as defined by the 2010 California Building Code.

(B) **Retailers Storage.** Retailers may store "Safe and Sane" fireworks within the City of Modesto solely during the period of June 22 through July 15 of each year. "Safe and Sane" fireworks that are not being sold or displayed with the intent to sell, shall be stored solely in the following manner:

- (1) Within the permitted fireworks stand with a responsible adult on the premises at all times.
- (2) In a completely enclosed and locked utility type trailer constructed of one-fourth (1/4) inch plywood or other approved noncombustible material.
- (3) In a completely detached garage on residential property with a minimum ten (10) feet clearance from other structures or property lines. There shall be no open-flame or spark producing equipment, or Class 1 flammable liquids stored or used within the garage.
- (4) Fireworks shall not be stored within forty (40) feet of any building classified or used as a public or private school, day care facility, residential care facility, hospital, place of detention, public oil/gas station, or public garage, or any place of public assembly that can accommodate fifty (50) or more persons.
- (5) In an approved and permitted fireworks warehouse.

2. **Operator Safety.** Each year, one (1) or more representatives from each organization, that is granted a permit to sell fireworks, shall

attend a stand operator safety seminar conducted by the City of Modesto Fire Department and the fireworks industry. Failure to attend the seminar shall result in the revocation of the organization's permit to sell fireworks for that calendar year.

3. Temporary Fireworks Stands.

- (1) All retail sales of "Safe and Sane" fireworks shall be permitted only from within a temporary fireworks stand and sales from any other building or structure is hereby prohibited.
- (2) City Business License, Fire Department Permit and State License shall be displayed in the fireworks stand during hours of operation.
- (3) Temporary fireworks stand shall not be set up before application for permit has been approved nor earlier than June 14.
- (4) The fireworks stands shall be located at least twenty (20) feet from other structures.
- (5) Zoning of property, in which the fireworks stand will be located, shall be in accordance with Section 10-2.2330 of the Modesto Municipal Code.
- (6) Fireworks shall not be stored, sold, offered for sale, or discharged within one hundred (100) feet of a location where gasoline, LPG, other class 1 flammable liquids or flammable gasses are stored or dispensed.
- (7) All unsold stock and accompanying litter shall be removed from the location by 5:00 p.m. on the 6th day of July.
- (8) The fireworks stand shall be removed from the temporary location by 12:00 noon on the 12th day of July, and all accompanying litter shall be cleared from said location by said time and date.
- (9) A penalty of one hundred dollars (\$100.00) per day will be assessed to the permittee of any fireworks stand not

removed by 12:00 noon on the 12th day of July.

4. Safety Precautions.

- (1) No person under the age of eighteen (18) shall sell, or handle for sale, any classification of fireworks.
- (2) No person under the age of eighteen (18) shall purchase or be allowed to purchase any classification of fireworks.
- (3) Smoking, open-flame, and spark-producing equipment shall be prohibited for a distance of twenty (20) feet around any fireworks stand.
- (4) Dry grass, weeds, trash, and other combustible material shall be removed for a distance of twenty (20) feet around any fireworks stand.
- (5) Fireworks shall not be discharged within fifty (50) feet of a fireworks stand.

5. Stand Construction.

- (1) Merchandise may be displayed in approved glass enclosed counters or showcases, or
- (2) Merchandise may be displayed in stands constructed in the following manner:
 - (A) Walls and roof shall be of plywood at least one-fourth (1/4) inches thick or of an approved noncombustible material.
 - (B) The stand shall be provided with a roof.
 - (C) Walls shall extend to a minimum height of six (6) feet eight (8) inches, on at least three (3) sides. These three (3) sides shall be without openings, except for an exit door.
 - (D) An exit door with a minimum size of twenty-four (24) inches in width and six (6) feet in height, shall

be provided in each stand. Exits shall be maintained clear and unobstructed at all times.

- (E) The front wall of the stand shall provide a physical barrier not less than eighteen (18) inches in height between the public and the merchandise on display.
- (F) Approved "NO SMOKING" signs shall be prominently displayed in and on the stand.
- (G) Approved "NO SALES TO PERSONS UNDER THE AGE OF 18" signs shall be prominently displayed in the stand.
- (H) An approved fire extinguisher having a minimum U.L. classification of 2A shall be located in the stand, near the exit and readily accessible.
- (I) Sellers of fireworks shall comply with all rules and regulations of Title 19 of the California Code of Regulations and with the rules and regulations of the Fire Code Official.
- (J) Stands will be limited to twenty-four (24) feet by eight (8) feet or one hundred ninety-two (192) square feet in size. Pre-existing stands as identified by the fireworks suppliers shall retain the right to operate their oversized stands, without change, until said stand or organization forfeits or loses their operating permit. A copy of said list shall remain on file with the Fire Code Official.

6. Operation of Fireworks Stand Only by Permittee.

- (1) It is unlawful for the permittee organization to allow any person or entity other than the permittee organization to operate the fireworks stand for which the permit is issued, whether by agreement, assignment or otherwise, or to otherwise participate in the profits of the operation of such fireworks stand. Violations will result in the immediate loss of the organization's permit.

- (2) It is unlawful for a non-profit organization to allow any person other than the individuals who are members of the permittee organization, their spouses or adult children, or volunteers to whom no compensation is paid, to sell or otherwise participate in the sale of fireworks at such fireworks stand.
- (3) It is unlawful for a non-profit organization to pay any consideration to any person for selling or otherwise participating in the sale of fireworks at such fireworks stand, except the hiring of a night watchman or security officer.

3-1.222. REVOCATION OF PERMIT AND SEIZURE OF FIREWORKS.

Section 5605 of the 2013 California Fire Code is hereby amended by adding the following:

5605.6 Revocation of Fireworks Sales Permit. The Fire Code Official, or his/her designee, may revoke, immediately and without notice or hearing, the "Safe and Sane" fireworks sales permit of any location or organization when any of the provisions of Sections 3-1.223, 3-1.224, or 3-1.226 are violated. The Fire Code Official shall inform the permittee that permittee may seek review of the Fire Code Official's decision, by the City Manager, on the next business day. At the earliest opportunity on the next business day after revocation, the Fire Code Official shall provide the City Manager with written notice that a fireworks sales permit has been revoked, including the name of the permittee and a brief statement of the grounds for revocation. If requested by the permittee, the City Manager, or his/her designee, shall meet with the permittee and the Fire Code Official, or his/her designee, that day to review the Fire Code Official's decision. The decision of the City Manager shall be final.

5605.6.1 Revocation of any sales permit will be effective for that calendar year.

3-1.223 FIREWORKS DISPLAYS INSURANCE REQUIRED.

Section 5605 of the 2013 California Fire Code is hereby amended by adding the following:

5605.7 Insurance.

1. The permittee shall furnish a certificate of insurance for each policy required, executed by the company issuing such policy, and approved as to form by the Risk Manager. Such policies shall contain a provision which holds the City as an additional insured and declaring said insurance to be primary and that no other insurance carried by an insured party shall be called upon for contribution. Notwithstanding any other provision of this section, the failure of the permittee to carry such insurance during the time covered by such permit shall automatically revoke the permit as of the date of expiration of such insurance policy or policies. A payment of one hundred and two dollars (\$102.00) shall be made to the City before any such revoked permit may be reinstated.
2. The permittee/licensee shall provide at its own expense and maintain at all times the following insurance with insurance companies licensed in the State of California and shall provide evidence of such insurance to the City as may be required by the Risk Manager of the City. The policies or certificates thereof shall provide that, thirty (30) days prior to cancellation or material change in the policy, notices of same shall be given to the Risk Manager of the City by certified mail, return receipt requested, for all of the following stated insurance policies.
 - (a) Worker's Compensation - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of five hundred thousand dollars (\$500,000).
 - (b) General Liability insurance with a minimum limit of liability per occurrence of five million dollars (\$5,000,000) for bodily injury and five hundred thousand (\$500,000) for property damage. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; independent permittee/licensee's and subcontractors; products and completed operations; and professional liability.
 - (c) Automobile Liability insurance with a minimum limit of liability per occurrence of one million dollars (\$1,000,000)

for bodily injury and one hundred thousand (\$100,000) for property damage or one million (\$1,000,000) combined single limit. This insurance shall cover any automobile for bodily injury and property damage. If at any time any of said policies shall be unsatisfactory to the City, as to form or substance, or if a company issuing such policy shall be unsatisfactory to the City, the permittee/licensee shall promptly obtain a new policy, submit the same to the Risk Manager for approval and submit a certificate thereof as hereinabove provided. Upon failure of the permittee/licensee to furnish, deliver or maintain such insurance and certificates as above provided, the permit/license is automatically revoked. Failure of the permittee/licensee to obtain and/or maintain any required insurance shall not relieve the permittee/licensee from any liability under this Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the obligations of the permittee/licensee concerning indemnification. The City, its agents, officers, employees, and volunteers shall be named as an additional insured on all insurance policies required herein, except Workers' Compensation and Professional Liability. The Workers' Compensation insurer shall agree to waive all rights of subrogation against the City, its agents, officers, employees, and volunteers. The permittee/licensee's insurance policy(ies) shall include a provision that the coverage is primary as respects the City; shall include no special limitations to coverage provided to additional insured; and, shall be placed with insurer(s) with acceptable Best's rating of A:VII or with approval of the Risk Manager. The permittee/licensee must deliver certificates evidencing existence of the insurance listed above to the Finance Director at the time the permit is granted.

Permittee/licensee shall provide City with separate endorsements evidencing proof of the City's additional insured status as to both the general liability and automobile liability insurance policies. In addition, permittee/licensee shall provide City with a Worker's Compensation subrogation waiver by way of a separate endorsement. All endorsements referenced above must include the applicable policy number.

For any claims related to a permit, the permittee/licensees insurance coverage shall be primary insurance as respects the Entity, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the Entity, its officers, officials, employees, or volunteers shall be excess of the permittee/licensee's insurance and shall not contribute with it.

3. The permittee/licensee shall agree to hold the City of Modesto, its agents, officers, employees, and volunteers harmless from and save, defend, and indemnify them against any and all claims, losses, liabilities, and from every cause, including but not limited to injury to person or property or wrongful death, with the indemnity to include reasonable attorney fees and all costs and expenses arising directly or indirectly out of any act or omission of permittee arising out of any activity authorized by the permit.
4. The permittee/licensee shall provide at its own expense and maintain at all times the specified insurance policies with insurance companies approved by the State of California and shall provide evidence of such insurance to the City as may be required by the Risk Manager of the City. The policies or certificates thereof shall provide that, thirty (30) days prior to cancellation or material change in the policy, notices of same shall be given to the Finance Director of the City by registered mail, return receipt requested.

3-1.224. POSSESSION, SALE, USE OR DISCHARGE OF DANGEROUS FIREWORKS.

Section 5605 of the 2013 California Fire Code is hereby amended by adding the following:

5605.8 Dangerous Fireworks

- (a) For purposes of this section, dangerous fireworks are those fireworks specified as such in the State Fireworks Law, Section 12505 of the California Health and Safety Code, and such other fireworks as may be determined to be dangerous by the State Fire Marshal.
- (b) It shall be unlawful for any person to possess, sell, use or discharge

dangerous fireworks, or a dangerous firework kit, unless a permit authorizing such possession, sale, use or discharge has been issued by the Fire Code Official to the person, as is defined in Section 1-6.207 of the Modesto Municipal Code, using, selling, discharging or found in possession of said fireworks or kits, and unless such person is in possession of a valid pyrotechnic operator's license issued by the Office of the State Fire Marshal. The Fire Code Official may establish reasonable rules and regulations for governing issuance of a firework permit and may issue the same subject to payment of a fee as established by the City Council from time to time.

- (c) The Fire Code Official, or designee, shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of dangerous fireworks offered or exposed for sale, stored, or held in violation of this chapter.

3-1.225 STORAGE OF FLAMMABLE AND COMBUSTIBLE LIQUIDS IN TANKS.

Section 5704 of the 2013 California Fire Code is hereby amended to read as follows:

5704.2.9.6.1 Location Where Above Ground Tanks are Prohibited.

Storage of Class I and II Liquids in aboveground tanks outside of buildings is prohibited, with the exception of protected tanks designed, installed and maintained in accordance with Chapter 57 of the 2013 California Fire Code. In addition, all above ground tanks shall be UL 2085 listed. The provisions of this section shall not apply to facilities for the production, generation, or transmission of electric energy that provide power to entities furnishing retail electrical services to the general public within the city of Modesto.

3-1.226 OPERATING HEATING, LIGHTING AND COOKING APPLIANCES PROHIBITED.

Section 5705 of the 2013 California Fire Code is hereby amended to read as follows:

5705.3.3. Heating, Lighting and Cooking Appliances. Heating, lighting, and cooking appliances which utilize flammable or combustible liquids shall not be operated within a building or structure.

EXCEPTION:

1. Operation in single-family dwellings.
2. Groups S-2 and U occupancies.

3-1.227 STORAGE AND DISPENSING OF FLAMMABLE AND COMBUSTIBLE LIQUIDS ON FARMS AND CONSTRUCTION SITES.

Section 5706 of the 2013 California Fire Code is hereby amended to read as follows:

5706.1. General. The capacity of temporary aboveground tanks containing Class I and Class II Liquids shall not exceed one thousand one hundred (1,100) gallons (4163.9 L). The capacity of permanent aboveground tanks containing Class I and II Liquids shall not exceed ten thousand (10,000) gallons (37,854 L). Temporary tanks of single-compartment design shall be constructed in accordance with Section 5706; permanent tanks shall be constructed in accordance with Chapter 57 of the 2013 California Fire Code.

3-1.228. STORAGE OF FLAMMABLE AND COMBUSTIBLE LIQUIDS.

Section 5706 of the 2013 California Fire Code is hereby amended to read as follows:

5706.2.4.4. Locations Where Above-Ground Tanks are Prohibited. The storage of Class I and II liquids in above-ground tanks is prohibited within the limits established by law as the limits of districts in which such storage is prohibited. All R-1, R-2 and R-3 zoning designations as identified in Title 10 of the Modesto Municipal Code.

3-1.229 BULK PLANTS STORAGE OF FLAMMABLE AND COMBUSTIBLE LIQUIDS.

Section 3406.4 of the 2010 California Fire Code is hereby amended to read as follows:

3406.4. Bulk Plants. Portions of properties where flammable and combustible liquids are received by tank vessels, pipelines, tank cars or tank vehicles and are stored or blended in bulk for the purpose of distributing such liquids by tank vessels, pipelines, tank cars, tank vehicles or containers shall be in accordance with Section 3406.4.1 through 3406.4.10.4 of the 2010 California Fire Code.

The construction of new bulk plants for storage of flammable or combustible liquids is restricted to areas of the city of Modesto zoned Heavy Industrial Zones (M-2). All existing nonconforming bulk plants for storage of flammable or combustible liquids which substantially comply with the requirements of this Code may be continued in use if a permit therefore shall be granted by the Fire Code Official.

3-1.230. BULK TRANSFER AND PROCESS TRANSFER OPERATIONS.

Section 3406.5 of the 2010 California Fire Code is hereby amended to read as follows:

3406.5. Bulk Transfer and Process Transfer Operations. Bulk transfer and process transfer operations shall be in approved locations. Tank cars shall be unloaded only on private sidings or railroad siding facilities equipped for transferring flammable or combustible liquids. Tank vehicle and tank car transfer facilities shall be separated from buildings, aboveground tanks, combustible materials, property lines, streets, alleys or public ways by a distance of twenty (25) feet (7620 mm) for Class I liquids and fifteen (15) feet (4572 mm) for Class II and III liquids measured from the nearest position of any loading or unloading valve.

Tank vehicles and tank cars shall be unloaded as soon as possible after arrival at point of delivery and shall not be used as storage tanks. Unless otherwise approved, a tank car shall not be allowed to remain on a siding at the point of delivery for more than twenty-four (24) hours while connected for transfer operations.

3-1.231. PERMITS FOR LIQUIFIED PETROLEUM GASES.

Section 3801.2 of the 2010 California Fire Code is hereby amended to read as follows:

3801.2. Permits. Permit(s) shall be required as set forth in Sections 105.6 and 105.7.

EXCEPTION:

1. Residential occupancies. Containers shall not exceed ten (10) gallons water capacity with an aggregate total of twenty (20) gallons.

2. Approved containers not exceeding sixteen and four-tenths (16.4) ounces when displayed for sale in mercantile occupancies.
3. Factory installed containers for recreational vehicles not exceeding ten (10) gallon water capacity.
4. Factory installed tanks that are permanently attached to recreational vehicles.

Distributors shall not fill an LP-gas container for which a permit is required unless a permit for installation has been issued for that location by the Fire Code Official.

3-1.232. USE OF LIQUIFIED PETROLEUM GAS CONTAINERS IN BUILDINGS.

Section 3803.2.1 of the 2010 California Fire Code is hereby amended to read as follows:

3803.2.1. Portable Containers. Portable LP-gas containers, as defined in NFPA 58 shall not be used in buildings except as specified in this section.

1. Areas undergoing construction.
 - A. Portable containers, not exceeding five (5) gallon water capacity, may be allowed in buildings or areas undergoing construction, when permitted by the Fire Code Official.
 - B. LP-gas containers shall not be used in a basement, pit, or similar location where heavier-than-air gas might collect. LP-gas containers not exceeding sixteen and four tenths (16.4) ounces may be used in an above-grade under floor space or basement only when such space is provided with an approved means of ventilation.
2. In educational, business, and institutional occupancies when used for research and experimentation provided the individual capacity of any one container does not exceed sixteen and four-tenths (16.4) ounces and the aggregate capacity of all containers does not exceed two and one-half (2-1/2) gallons water capacity. When more than one such container is present in the same room, each container shall be separated by a distance of not less than ten (10) feet.

3. At demonstrations and public exhibitions for temporary use provided the individual capacity of any one container does not exceed sixteen and four-tenths (16.4) ounces and when more than one such container is present in the same room, each container shall be separated by a distance of not less than ten (10) feet.
4. With self-contained torch assemblies and similar appliances provided that the individual capacity does not exceed sixteen and four-tenths (16.4) ounces.

Such containers shall not be used for commercial or residential food preparation.

3-1.233. MAXIMUM CAPACITY OF LPG CONTAINERS.

Section 3804.2 of the 2010 California Fire Code is hereby amended to read as follows:

The outside storage of liquefied petroleum gas (LP-gas) shall conform to the provisions of City of Modesto zoning ordinances. The outside storage and use of liquefied petroleum gases is restricted as specified in this section.

The aggregate capacity of any one installation shall not exceed two thousand (2,000) gallons, except that in particular installations this capacity limit may be altered by the Fire Code Official, after consideration of special features such as topographical conditions, nature of occupancy, proximity of buildings, capacity of proposed tanks, degree of private fire protection to be provided, and facilities of the local Fire Department.

1. Storage and dispensing of LP-gas for resale purposes, into approved containers and vehicles, is restricted to those areas of the City zoned as Light Industrial (M-1), Heavy Industrial (M-2), and, in addition thereto, to other commercially zoned properties used as automotive service stations. Dispensing shall be performed only by qualified persons.
2. Dispensing of LP-gas for private use is restricted to those zones identified in subsection 1, and when approved by the Fire Code Official, may be permitted in those areas of the City zoned General Commercial (C-2). Dispensing shall be performed only by

qualified persons.

3. For cooking, lighting, or heating in a building, only on a property that does not have natural gas service existing on a boundary line of said property or when prohibition of such storage would cause undue hardship.
4. For temporary use on construction sites, when authorized by the Fire Code Official.
5. For use as an alternative fuel supply for an emergency standby generator, when authorized by the Fire Code Official.
6. For use with certain mobile vending and certain commercial barbecue equipment and other specific uses when authorized by the Fire Code Official.
7. For use by artisans in pursuit of their trade, when authorized by the Fire Code Official.
8. Storage of portable containers awaiting exchange may be permitted in commercial zoned areas of the City, including those zoned Neighborhood Commercial (C-1), when approved by the Fire Code Official and stored in accordance with Section 3809. Such storage shall be located a minimum of twenty (20) feet from any fuel dispenser.

EXCEPTION:

1. Storage of LP-gas in accordance with Subsections 3, 4 and 5 shall be limited to one container not to exceed two hundred fifty (250) gallons water capacity.
2. The aggregate capacity of containers in storage and use in accordance with subsections 6 and 7 shall not exceed fifteen (15) gallons. Individual containers shall not exceed five (5) gallons water capacity, unless authorized by the Fire Code Official, and shall not be manifolded.

3-1.234. STORAGE OF PORTABLE LP-GAS CONTAINERS AWAITING USE, RESALE, OR EXCHANGE.

Section 3809.12 of the 2010 California Fire Code is hereby amended to read as

follows:

3809.12. Separation from exits. Containers stored inside or outside buildings accessible to the public shall be located not less than ten (10) feet from any exit door or building opening, when only one (1) exit is provided from the building or area, and not less than five (5) feet from any exit door or building opening, when two (2) or more exits are provided from the building or area.

Table 3809.12 of the 2010 California Fire Code is hereby amended to read as follows:

Quantity of LP-Gas Stored (Pounds)	Distances to a Building or Group of Buildings, Public Way, or Line of Property that can be Built Upon (feet)
720 or less	0
721 to 2,500	10
2,501 to 6,000	15
6,001 to 10,000	20
Over 10,000	25

3-1.235. ADMINISTRATIVE PROVISIONS

Sections 103.2, 103.4, 103.4.1 and 108 of the 2013 California Fire Code are hereby deleted.

3-1.236. PERMIT AMOUNTS FOR COMPRESSED GASES.

Chapter 1, Table 105.6.8 of the 2010 California Fire Code is amended to read as follows:

105.6.8. Compressed Gases. An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed in Chapter 1, table 105.6.8.

EXCEPTION: Vehicles equipped for and using compressed gas as a fuel

for propelling the vehicle.

Table 105.6.8-Permit Amounts for Compressed Gases¹

Type of Gas	Amount x 0.0283 for m ³
Corrosive	Any Amount
Flammable (except cryogenic fluids and liquefied petroleum gases)	200 cubic feet
Highly toxic	Any Amount
Inert and simple asphyxiant	200 cubic feet
Irritant	200 cubic feet
Other Health Hazards	200 cubic feet
Oxidizing (including oxygen)	200 cubic feet
Pyrophoric	Any Amount
Radioactive	Any Amount
Sensitizer	200 cubic feet
Toxic	Any Amount
Unstable (reactive)	Any Amount
Acutely hazardous (as listed in 40-CFR-355)	Threshold Planning Quantity or more.

¹See Chapter 30 of the 2010 California Fire Code for additional requirements and exceptions.

3-1.237. PERMIT AMOUNTS FOR CRYOGENS.

Chapter 1, Table 105.6.10 of the 2010 California Fire Code is amended to read as follows:

105.6.10. Cryogenic Fluids. An operational permit is required to produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed in Chapter 1, Table 105.6.10.

EXCEPTION: Permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.

Table 105.6.10--Permit Amounts for Cryogenics¹

Type of Cryogenic Fluid	Inside Building	Outside Building
Corrosive	Over 1 gallon	Over 1 gallon
Flammable	Over 1 gallon	55 gallons
Highly Toxic	Over 1 gallon	Over 1 gallon
Nonflammable	55 gallons	55 gallons
Oxidizer (including oxygen)	50 gallons	50 gallons

See Appendix Chapter 1 of the 2010 California Fire Code.

ARTICLE 3. ADMINISTRATION

3-1.301. FEES.

- (a) **Permit Fee.** The Council of the City of Modesto may, by resolution adopted from time to time, fix a fee for any permit issued pursuant to the Fire Code.
- (b) **Plan Check Fee.** When the valuation of proposed construction exceeds one thousand dollars (\$1,000.00), or a plan is required to be submitted, a plan checking fee shall be paid at the time of submitting plans and specifications for checking.

Where plans are incomplete or changed so as to require an additional plan check, an additional plan check fee shall be charged. The Council of the City of Modesto may, by resolution adopted from time to time, fix a fee for plan checking.

3-1.302. APPEALS.

Applicant may appeal the decision of the Fire Code Official to the City Council within thirty (30) days from the date of the decision being appealed whenever the Fire Code Official:

1. Disapproves an application for use of alternate materials, methods and/or types of construction,
2. Disapproves an application for permit or refuses to grant a permit applied for,
3. When it is claimed that the provisions of the code do not apply, or
4. When it is claimed that the true intent and meaning of the code have been misconstrued or wrongly interpreted.

3-1.303. VIOLATIONS COMPLIANCE WITH ORDERS, NOTICES AND TAGS.

Section 109.3 of the 2010 California Fire Code, Chapter 1 - Administration is hereby amended to read as follows:

109.3. Criminal Violations. It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter. A violation of any of the provisions or failing to comply with any of the mandatory requirements of this chapter shall constitute a misdemeanor; except that notwithstanding any other provision of this code, any such violation constituting a misdemeanor under this code may, in the discretion of the City Attorney, be charged and prosecuted as an infraction. Any person convicted of a misdemeanor under the provisions of this chapter, unless provision is otherwise herein made, shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period of not more than six (6) months or by both fine and imprisonment. Any person convicted of an infraction under the provisions of this chapter, unless provision is otherwise herein made, shall be punishable by a fine only as follows: Upon a first conviction, by a fine of not exceeding two hundred fifty dollars (\$250.00) and for a second conviction or any subsequent conviction within a period of one year, by a fine of not exceeding five hundred dollars (\$500.00).

Each such person shall be charged with a separate offense for each and

every day during any portion of which any violation of any provision of this code is committed, continued or permitted by such person and shall, upon conviction, be punished accordingly.

3-1.304. ADMINISTRATIVE REMEDIES.

In addition to any other remedies set forth in this chapter, administrative penalties may be imposed against any person, as defined in Section 1-6.207 of the Modesto Municipal Code, for violating any of the requirements set forth in this chapter. Any administrative penalties assessed shall be as follows:

- (a) For violations of Section 3-1.224, possession, sale, use or discharge of dangerous fireworks, the administrative penalty shall be one thousand dollars (\$1,000.00) for each specific act found to be in violation of that section.
- (b) For all violations of this chapter, other than Section 3-1.224, possession, sale, use or discharge of dangerous fireworks, the amount of the administrative penalty shall be two hundred fifty dollars (\$250.00) for the first violation, five hundred dollars (\$500.00) for a second violation within any twelve (12) month period, and seven hundred fifty dollars (\$750.00) for any subsequent violations within any twelve (12) month period.

SECTION 2. FINDING AND DECLARATION. As required by the 2013

California Fire Code, Section 101.1 the Council of the City of Modesto finds and declares that the foregoing additions, modifications and changes to the regulations adopted pursuant to the 2013 California Fire Code are reasonably necessary because of local climate and geographic conditions. This ordinance also prescribes local procedures to be used in the administration and enforcement of this Code; provides for local interpretations of this Code, and makes other changes in this Code consistent with local custom and practice as reflected in the prior local Fire Code.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 4. SAVINGS. The provisions of this ordinance shall not affect any proceedings, suit or prosecution heretofore or hereafter commenced under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance shall be discharged or affected by the adoption of this ordinance; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted or proceeded with in all respects as if this ordinance had not been adopted.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.


The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2013, by Councilmember Lopez, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, and Mayor Marsh


NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

APPROVED:


Garrad Marsh, Mayor

ATTEST:

By: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM LINDGREN, Interim City Attorney

Ord. No. 3591-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2013, Councilmember Lopez, who moved its final adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki and Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:


MAYOR GARRAD MARSH

ATTEST:


STEPHANIE LOPEZ, City Clerk

Effective Date: January 3, 2014

ORDINANCE NO. 3592-C.S.

AN ORDINANCE AMENDING ARTICLE 1, 2, 5, 8, 16, AND 17 OF CHAPTER 1 OF TITLE 9 OF THE MODESTO MUNICIPAL CODE; AMENDING SECTIONS 9-1.101, 9-1.101.1, 9-1.201, 9-1.204, 9-1.502, 9-1.1602.1, 9-1.1602.2, 9-1.1602.3, 9-1.1602.4, 9-1.1701 and 9-1702; AND ADDING SECTION 9-1.807.1 THERETO; RELATING TO THE BUILDING CODE.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Article 1 of Chapter 1 of Title 9 of the Modesto Municipal Code is hereby amended to read as follows:

ARTICLE 1. ADOPTION BY REFERENCE OF THE 2013 CALIFORNIA BUILDING CODE

9-1.101. ADOPTION BY REFERENCE OF THE 2013 CALIFORNIA BUILDING CODE.

That certain document, one (1) copy of which is on file in the Office of the City Clerk of the City of Modesto, being marked and designated as the 2013 California Building Code, California Code of Regulations, Title 24, Part 2, Volumes 1 and 2, as published by the International Code Council, as now existing, or hereafter amended, regulating and governing the conditions of all properties, buildings, and structures; by providing the standards for facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupancy and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; providing for the issuance of permits and collection of fees therefor; and providing penalties for the violation thereof; and each and all of the regulations, provisions, penalties, conditions and terms of said 2013 California Building Code on file in the Office of the City Clerk of the City of Modesto is hereby referred to, adopted and made a part hereof, as if fully set out in this ordinance, with the additions, deletions, insertions and changes, if any, prescribed in this Chapter, be and hereby is adopted as the Building Code of the City of Modesto.

9.1.101.1. ADOPTION BY REFERENCE OF THE 2013 CALIFORNIA RESIDENTIAL CODE.

That certain document, one (1) copy of which is on file in the office of the City Clerk at the City of Modesto, being marked and designated as the California Residential Code, 2013 edition, California Code of Regulations Title 24, Part 2.5 as published by the International Code Council, regulating and governing the conditions of residential detached one and two family dwellings by providing the standards for facilities and other physical things and conditions essential to ensure

that these structures are safe, sanitary and fit for occupation and use; and the demolition of such structures as herein provided, providing for the issuance of permits and collection of fees therefor; and providing penalties for the violation thereof, and each and all of the regulations; provisions, penalties, conditions and terms of said building code on file in the office of the City Clerk of the City of Modesto are hereby referred to, adopted and made part hereof, as if fully set out in this ordinance with the additions, deletions and changes, if any prescribed in this chapter, be and hereby are adopted by reference as the Building Code of the City of Modesto

SECTION 2. AMENDMENT OF CODE. Article 2 of Chapter 1 of Title

9 of the Modesto Municipal Code are hereby amended to read as follows:

9-1.201. TITLE.

These regulations shall be known as the "Building Code of the City of Modesto," and may be cited and referred to herein as such or may be cited and referred to herein as the "Building Code," the "2013 California Building and 2013 California Residential Code," the "California Building and Residential Code," or "this Code."

9-1.202. PURPOSE.

The purpose of this Code is to establish the minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, access for persons with disabilities, sanitation, adequate light and ventilation, and energy conservation; safety to life and property from fire and other hazards attributed to the built environment; and to provide safety to firefighters and emergency responders during emergency operations.

9-1.203 SCOPE.

The provisions of this Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures throughout the City of Modesto.

9-1.204. APPENDICES.

Provisions contained in the appendices of the 2013 California Building Code and the 2013 California Residential Code shall not apply unless specifically adopted by the State of California Building Standards Commission or the City of Modesto.

9-1.205. MOST RESTRICTIVE – SPECIFIC REQUIREMENT.

Where, in any specific case, different sections of this Code specify different materials, methods of construction, or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

9-1.206. OTHER LAWS.

The provisions of this Code shall not be deemed to nullify any provision(s) of local, state, or federal law.

9-1.207. APPLICATION OF REFERENCES.

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this Code.

9-1.208. REFERENCED CODES AND STANDARDS.

The codes and standards referenced in this Code shall be considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between provisions of this Code and referenced codes and standards, the provisions of this Code shall apply, unless stated otherwise.

9-1.209. PARTIAL INVALIDITY.

In the event that any part or provision of this Code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions of this Code.

9-1.210. MAINTENANCE.

All plumbing, mechanical, electrical system, materials, and appurtenances, both existing and new, and all parts thereof, shall be maintained in proper operating condition. All devices or safeguards required by this Code shall be maintained in conformance with the code edition under which installed.

9-1.211. EXISTING STRUCTURES.

The legal occupancy of any structure existing on the date of adoption of this Code shall be permitted to continue without change, except as is specifically covered in this Code, the California Mechanical Code, or the

California Fire Code, or as is deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

9-1.212. EXISTING INSTALLATIONS.

Plumbing, mechanical, and electrical systems or equipment lawfully in existence at the time of the adoption of this Code may have their use, maintenance, or repair continued if the use, maintenance, or repair is in accordance with the original design and location and no hazard to life, health, or property has been created by such system or equipment.

SECTION 3. AMENDMENT OF CODE. Article 5 of Chapter 1 of Title

9 of the Modesto Municipal Code is hereby amended to read as follows:

9-1.501. REQUIRED.

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any installation which is regulated by this Code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit.

9-1.502. WORK EXEMPT FROM PERMIT.

Exemptions from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other local, state, or federal law.

A permit shall not be required for the following:

- (a) One-story, detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed one hundred twenty (120) square feet (11.15 m²).
- (b) Fences not over seven (7) feet (2134 mm) high.
- (c) Oil derricks.
- (d) Retaining walls that are not over four (4) feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.

- (e) Water tanks supported directly on grade if the capacity does not exceed five thousand (5,000) gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.
- (f) Sidewalks and driveways not more than thirty (30) inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
- (g) Prefabricated swimming pools that are less than twenty-four (24) inches (610 mm) deep.
- (h) Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
- (i) Temporary motion picture, television and theater stage sets, and scenery.
- (j) Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
- (k) Swings and other playground equipment accessory to detached one- and two-family dwellings.
- (l) Window awnings supported by an exterior wall that do not project more than fifty-four (54) inches (1,372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.
- (m) Nonfixed and movable fixtures, cases, racks, counters, and partitions not over five (5) feet nine (9) inches (1,753 mm) in height.
- (n) One (1) and two (2) family residential decks not exceeding two hundred (200) square feet (18.58 m²) in area, that are not more than thirty (30) inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4 of the California Residential Code.

9-1.503. EMERGENCY REPAIRS.

Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted and the permit obtained within the next business day.

9-1.504. REPAIRS.

Repairs to structures or other work affecting public health or general safety shall require application to the Building Official and permit obtained.

9-1.505. PUBLIC SERVICE AGENCIES.

A permit shall not be required for the installation, alteration, or repair of generation, transmission, distribution, or metering or other related equipment that is under the ownership and control of public service agencies by established right.

9-1.506. APPLICATION TO PERMIT.

To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the Building Safety Division for that purpose. Such application shall:

- (a) Identify and describe the work to be covered by the permit for which application is made.
- (b) Describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work.
- (c) Indicate the use and occupancy for which the proposed work is intended.
- (c) Be accompanied by construction documents and other information as required in Article 6 of this Code.
- (f) State the valuation of the proposed work.
- (d) Be signed by the applicant or the applicant's authorized agent.
- (g) Give such other data and information as required by the Building Official.

9-1.507. ACTION ON APPLICATION.

The Building Official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the Building Official shall reject such

application in writing, stating the reasons therefor. If the Building Official is satisfied that the proposed work conforms to the requirements of this Code and laws and ordinances applicable thereto, the Building Official shall issue a permit therefor as soon as practicable.

9-1.508. TIME LIMITATION OF APPLICATION.

calendar days following the date of application submission shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken on the application. This request must be in writing to the Building Official prior to expiration of the application. No application shall be extended more than once. No extension shall exceed one hundred eighty (180) calendar days. In order to renew action on the application after expiration, the applicant shall resubmit plans and pay a new plan checking fee.

9-1.509. VALIDITY OF PERMIT.

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Code or of any other local, state, or federal law. Permits presuming to give authority to violate or cancel the provisions of this Code or other local, state, or federal law shall not be valid.

The issuance of a permit based on construction documents and other data shall not documents and other data. The Building Official is also authorized to prevent occupancy or use of a structure where in violation of this Code or of any other local, state, or federal law.

9-1.510. EXPIRATION.

Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty (180) calendar days from the date of said permit, or if such building or work authorized by such permit is suspended or abandoned at any time after the work has commenced for a period of one hundred eighty (180) calendar days, or if the building or work authorized by such permit is not completed seven hundred thirty (730) calendar days from the date of such permit. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half ($\frac{1}{2}$) the amount required to obtain a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such

work; and provided further that such suspension or abandonment has not exceeded one (1) year.

Any permittee holding an unexpired permit may apply for an extension of time within which he may commence the work under that permit when he is unable to commence work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) calendar days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once. In order to renew action on a permit after expiration, the permittee shall pay a new permit fee.

9-1.511. SUSPENSION OR REVOCATION.

The Building Official is authorized to suspend or revoke a permit issued under the provisions of this Code whenever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this Code, or other local, state, or federal law.

SECTION 4. AMENDMENT OF CODE. Article 8 of Chapter 1 of Title 9 of the Modesto Municipal Code is hereby amended and Section 9-1.807.1 is hereby added to read as follows:

9-1.801. GENERAL.

Construction or work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Code or of any local, state, or federal law. Inspections presuming to give authority to violate or cancel the provisions of this Code or of other local, state, or federal law shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Building Official nor the City of Modesto shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

9-1.802. PRELIMINARY INSPECTION.

Before issuing a permit, the Building Official is authorized to examine or cause to be examined buildings, structures, and sites for which an application has been filed.

9-1.803. REQUIRED INSPECTIONS.

The Building Official, upon notification, shall make the inspections set forth in Sections 9-1.804 through 9-1.813.

9-1.804. TYPES OF INSPECTIONS.

For onsite construction, from time to time the Building Official, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this Code. The Building Safety Division, upon notification of the permit holder or their agent, shall within a reasonable time make the inspections set forth in Sections 9-1.805 through 9-1.813.

Note: Reinforced steel or structural framework: of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the Building Official.

9-1.805. FOOTING AND FOUNDATION INSPECTION.

Inspection of the foundation and footings shall be made after poles or piers are set or trenches or basement areas are excavated and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation or footing inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations. Materials for the foundation shall be on the job site except where concrete is ready-mixed in accordance with ASTM C94. Under this circumstance concrete is not required to be at the job site.

9-1.805.1. CONCRETE SLAB AND UNDERFLOOR INSPECTION.

Concrete slab and underfloor inspections shall be made after in-slab or underfloor reinforcing steel and building service equipment, conduit, piping accessories, and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

9-1.806. FLOOD PLAIN INSPECTIONS/LOWEST FLOOR ELEVATION.

For construction in areas prone to flooding as established by Table R301.2(1) of the California Residential Code upon placement of the lowest floor, including basement, and prior to further vertical construction, the Building Official shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in Section R322. In flood hazard areas, upon placement of the lowest floor,

including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 of the California Building Code shall be submitted to the Building Official.

9-1.807. FRAME AND MASONRY INSPECTION.

Inspection of framing and masonry construction shall be made after the roof, masonry, all framing, firestopping, draftstopping and bracing are in place and after chimneys and vents to be concealed are completed and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

9-1.807.1. MOISTURE CONTENT VERIFICATION.

Moisture content of framing members shall be verified in accordance with the California Green Building Standards Code (CALGreen), Chapter 4, Division 4.5.

9-1.808. LATH AND GYPSUM BOARD INSPECTION.

Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Exception. Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

9-1.80. FIRE-RESISTANT PENETRATIONS.

Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

9-1.810. ENERGY EFFICIENCY INSPECTIONS.

Inspections shall be made to determine compliance with the California Energy Code and shall include, but not be limited to, inspections for: envelope insulation R and U values, fenestration U value, duct system R value, and HVAC and water-heating equipment efficiency.

9-1.811. OTHER INSPECTIONS.

In addition to the inspections specified above, the Building Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this Code and other laws that are enforced by the Building Safety Division.

9-1.811.1. FIRE-RESISTANCE-RATED CONSTRUCTION INSPECTION.

Where fire-resistance-rated construction is required between dwelling units or due to location on property, the Building Official shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished. Protection of joints and penetrations in fire resistance rated assemblies shall not be concealed from view until inspected and approved.

9-1.812. SPECIAL INSTRUCTIONS.

For special inspections, see Section 1704 of the California Building Code.

9-1.813. FINAL INSPECTION.

The final inspection shall be made after all work required by the building permit is completed.

9-1.814. REINSPECTIONS.

A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when required corrections have not been made.

This provision is not to be interpreted as requiring reinspection fees the first time an inspection is rejected for failure to comply with the requirements of this Code, but as controlling the practice of calling for inspection before the project is ready for inspection or reinspection. Reinspection fees may be assessed:

- (a) When the approved plans are not readily available to the inspector.
- (b) For failure to provide access on the date for which the inspection is requested.
- (c) For any deviation from plans requiring the approval of the Building Official.

To obtain reinspection, the applicant shall file an application therefor in writing upon a form for that purpose and pay the reinspection fee as adopted from time to time by resolution of the City Council of the City of Modesto.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

9-1.815. INSPECTION AGENCIES.

The Building Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

9-1.816. INSPECTION REQUESTS.

It shall be the duty of the holder of the building permit or their duly authorized agent to notify the Building Official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this Code.

9-1.817. APPROVAL REQUIRED.

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this Code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

SECTION 5. AMENDMENT OF CODE. Article 16 of Chapter 1 of Title

9 of the Modesto Municipal Code are hereby amended to read as follows:

9-1.1601. DELETED SECTIONS.

(Reserved).

9-1.1602. AMENDED SECTIONS.

9-1.1602.1. DEFINITIONS.

Section 202 of the 2013 California Building Code is hereby amended to read as follows:

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this Code, or duly authorized representative. The office and title of Chief Building Official of the City of Modesto shall serve as the officer responsible for administration and enforcement of this Code.

9-1.1602.2. STRUCTURAL DESIGN.

Section 1612.3 of the 2013 California Building Code is hereby amended to read as follows:

1612.3. ESTABLISHMENT OF FLOOD HAZARD AREAS.

To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the City of Modesto", dated September 26, 2008, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

9-1.1602.3. STRUCTURAL TESTS AND SPECIAL INSPECTIONS.

Section 1702 of the 2013 California Building Code is hereby amended to read as follows:

STRUCTURAL OBSERVATION. The visual observation of the structural system by a registered design professional for general conformance to the approved construction documents at significant construction stages and at completion of the structural system. Structural observation does not include or waive the responsibility for the inspection required by Title 9, Chapter 1, Article 8 and Section 1704 of the California Building Code or other sections of this Code.

9-1.1602.4. SPECIAL INSPECTIONS.

Section 1704.1 of the 2013 California Building Code is hereby amended to read as follows:

1704.1. GENERAL.

Where application is made for construction as described in this Section, the owner or registered design professional in responsible charge acting as the owner's agent shall employ one (1) or more special inspectors to provide inspection during construction on the types of work listed under Section 1704 of the California Building Code. The special inspector shall be a qualified person who shall demonstrate competence, to the satisfaction of the Building Official, for inspection of the particular type of construction or operation requiring special inspection. These inspections are in addition to the inspections specified in Article 8 of Chapter 1 of Title 9.

SECTION 6. AMENDMENT OF CODE: Article 17 is hereby added to

Chapter 1 of Title 9 of the Modesto Municipal Code to read as follows:

ARTICLE 17. TECHNICAL AMENDMENTS TO THE 2010 CALIFORNIA RESIDENTIAL CODE.

9-1.1701. DEFINITION.

Section 202 of the 2013 California Residential Code is hereby amended to read as follows:

Building Official. The officer or other designated authority charged with the administration and enforcement of this Code, or duly authorized representative. The office and title of Chief Building Official of the City of Modesto shall serve as the officer responsible for administration and enforcement of this Code.

9-1.1702. TABLE R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.

Table R301.2(1) of the 2010 California Residential Code is hereby amended to read as follows:

**Table R301.2(1)
Climatic and Geographic Design Criteria**

Ground Snow Load	Wind Design		Seismic Design Category	Subject to Damage From:			Winter Design Temp	Ice Barrier Underlayment Required	Flood Hazards	Air Freeze Index	Mean Annual Temp
	Speed MPH	Topographic Effects		Weathering	Frost Line Depth	Termite					
0	85	No	D	Negligible	12 inches	Very Heavy	n/a	n/a	MMC 9-4.302	50	60

SECTION 7. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

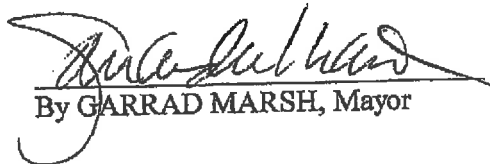
SECTION 8. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto*

Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2013, by Councilmember Lopez who moved its introduction and passage to print, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Cogdill, Geer, Gunderson, Lopez, Muratore and Mayor Marsh
NOES: Councilmembers: None
ABSENT: Councilmembers: Burnside

APPROVED:


By GARRAD MARSH, Mayor

ATTEST:


By STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ADAM LINDGREN, Interim City Attorney

Ord. No. 3592-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2013, Councilmember Lopez, who moved its final adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki
And Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:


MAYOR GARRAD MARSH

ATTEST:


STEPHANIE LOPEZ, City Clerk

Effective Date: January 3, 2014

ORDINANCE NO. 3593-C.S.

AN ORDINANCE AMENDING ARTICLE 1 AND ARTICLE 2 OF CHAPTER 3 OF TITLE 9 OF THE MODESTO MUNICIPAL CODE; AMENDING SECTIONS 9-3.101, 9-3.201, AND 9-3.204 RELATING TO THE ELECTRICAL CODE.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Article 1 of Chapter 3 of Title 9 of the Modesto Municipal Code is hereby amended to read as follows:

ARTICLE 1. ADOPTION BY REFERENCE OF THE 2013 CALIFORNIA ELECTRICAL CODE

9-3.101. ADOPTION BY REFERENCE OF THE 2013 CALIFORNIA ELECTRICAL CODE.

That certain document, one (1) copy of which is on file in the Office of the City Clerk of the City of Modesto, being marked and designated as the 2013 California Electrical Code, California Code of Regulations Title 24, Part 3, as published by the Building News, inc. (BNI), as now existing, or hereafter amended, regulating, governing and providing standards for the erection, installation, repair, relocation, replacement, addition to, use, or maintenance of electrical systems and parts thereof for the protection of public health and safety, providing for the issuance of permits and collection of fees, providing penalties for the violation thereof; and each and all of the regulations, provisions, penalties, conditions and terms of said 2013 California Electrical Code on file in the Office of the City Clerk of the City of Modesto is hereby referred to, adopted and made a part hereof, as if fully set out in this ordinance, with the additions, deletions, insertions, and changes if any, prescribed in this Chapter, be and hereby is adopted as the Electrical Code of the City of Modesto.

SECTION 2. AMENDMENT OF CODE. Article 2 of Chapter 3 of Title 9 of the Modesto Municipal Code are hereby amended to read as follows:

9-3.201. TITLE.

These regulations shall be known as the "Electrical Code of the City of Modesto," and may be cited and referred to herein as such or may be cited and referred to

herein as the "Electrical Code," the "2013 California Electrical Code," the "California Electrical Code," or "this Code."

9-3.204. APPENDICES.

Provisions contained in the appendices of the 2013 California Building Code shall not apply unless specifically adopted by the State of California Building Standards Commission or the City of Modesto.

9-3.203. SCOPE.

The provisions of this Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures throughout the City of Modesto.

9-3.204. APPENDICES.

Provisions contained in the appendices of the 2010 California Building Code shall not apply unless specifically adopted by the State of California Building Standards Commission or the City of Modesto.

9-3.205. MAINTENANCE.

All electrical systems, materials, and appurtenances, both existing and new, and all parts thereof, shall be maintained in proper operating condition. All devices or safeguards required by this Code shall be maintained in conformance with the code edition under which installed.

9-3.206. ADDITIONS, ALTERATIONS, OR REPAIRS.

Additions, alterations, or repairs may be made to any electrical system, or parts thereof, or equipment without requiring the existing to comply with all the requirements of this Code, provided the addition, alteration, or repair conforms to that required for new installation. Additions, alterations, or repairs shall not cause an existing system to become unsafe, unsanitary, or overloaded.

9-3.207. MOVED BUILDINGS.

Electrical systems and all parts thereof, that are part of buildings or structures moved into the City of Modesto shall comply with the provisions of this Code for new installations.

Exception. All parts of the electrical system of any building, or parts thereof, that is moved from one (1) foundation to another, or from one (1) location to another, shall be completely tested as prescribed elsewhere in this Code for new work, except that walls or floors need not be removed during such test when other equivalent means of inspection acceptable to the Building Official are provided.

9-3.208. MOST RESTRICTIVE – SPECIFIC REQUIREMENT.

Where, in any specific case, different sections of this Code specify different materials, methods of construction, or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

9-3.209. OTHER LAWS.

The provisions of this Code shall not be deemed to nullify any provision(s) of local, state, or federal law.

9-3.210. APPLICATION OF REFERENCES.

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this Code.

9-3.21. REFERENCED CODES AND STANDARDS.

The codes and standards referenced in this Code shall be considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between provisions of this Code and referenced codes and standards, the provisions of this Code shall apply, unless stated otherwise.

9-3.212. PARTIAL INVALIDITY.

In the event that any part or provision of this Code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions of this Code.

9-3.213 EXISTING INSTALLATIONS.

Electrical systems or equipment lawfully in existence at the time of the adoption of this Code may have their use, maintenance, or repair continued if the use, maintenance, or repair is in accordance with the original design and location and

no hazard to life, health, or property has been created by such system or equipment.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 4. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

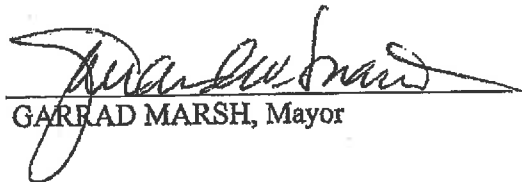
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2013, by Councilmember Lopez, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Cogdill, Geer, Gunderson, Lopez, Muratore and Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside

APPROVED:


GARRAD MARSH, Mayor

ATTEST:

By 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ADAM LINDGREN, Interim City Attorney

Ord. No. 3593-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2013, Councilmember Lopez, who moved its final adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki and Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:


MAYOR GARRAD MARSH

ATTEST:


STEPHANIE LOPEZ, City Clerk

Effective Date: January 3, 2014

ORDINANCE NO. 3594-C.S.

AN ORDINANCE AMENDING ARTICLE 1 AND ARTICLE 2 OF CHAPTER 7 OF TITLE 9 OF THE MODESTO MUNICIPAL CODE; AMENDING SECTIONS 9-7.101, 9-7.201 AND 9-7.204 RELATING TO THE MECHANICAL CODE.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Article 1 of Chapter 7 of Title 9 of the Modesto Municipal Code is hereby amended to read as follows:

ARTICLE 1. ADOPTION BY REFERENCE OF THE 2013 CALIFORNIA MECHANICAL CODE

9-7.101. ADOPTION BY REFERENCE OF THE 2013 CALIFORNIA MECHANICAL CODE.

That certain document, one (1) copy of which is on file in the Office of the City Clerk of the City of Modesto, being marked and designated as the 2013 California Mechanical Code, California Code of Regulations, Title 24, Part 4, as published by the International Association of Plumbing and Mechanical Officials (IAPMO), as now existing, or hereafter amended, which said Code governs and provides proper regulations of mechanical systems and parts thereof, including, but not limited to, addition to or erection, installation, alteration, repair, relocation, replacement, use, or maintenance of any heating, ventilation, cooling, refrigeration systems or equipment thereof; incinerators or parts or equipment thereof; or other miscellaneous heat producing appliances, parts or equipment thereof; providing for the issuance of permits and collection of fees therefor; providing for the inspection thereof; providing penalties for the violation thereof; and each and all of the regulations, provisions, penalties, conditions and terms of said 2013 California Mechanical Code on file in the Office of the City Clerk of the City of Modesto is hereby referred to, adopted and made a part hereof, as if fully set out in this ordinance, with the additions, deletions, insertions, and changes, if any, prescribed in this Chapter, be and hereby is adopted as the Mechanical Code of the City of Modesto.

SECTION 2. AMENDMENT OF CODE. Article 2 of Chapter 7 of Title 9 of the Modesto Municipal Code are hereby amended to read as follows:

9-7.201. TITLE.

These regulations shall be known as the "Mechanical Code of the City of Modesto", and may be cited and referred to herein as such or may be cited and referred to herein as the "Mechanical Code", the "2013 California Mechanical Code", the "California Mechanical Code", or "this Code".

9-7.202. PURPOSE.

The purpose of this Code is to establish the minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, access for persons with disabilities, sanitation, adequate light and ventilation, and energy conservation; safety to life and property from fire and other hazards attributed to the built environment; and to provide safety to firefighters and emergency responders during emergency operations.

9-7.203. SCOPE.

The provisions of this Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures throughout the City of Modesto. Including, but not limited to, addition to or erection, installation, alteration, repair, relocation, replacement, use, or maintenance of any heating, ventilation, cooling, refrigeration system or equipment or part thereof; incinerators or parts or equipment thereof; or other miscellaneous heat producing appliances, parts or equipment thereof.

9-7.204. APPENDICES.

Provisions contained in the appendices of the 2013 California Mechanical Code shall not apply unless specifically adopted by the State of California Building Standards Commission or the City of Modesto.

9-7.205. MAINTENANCE.

All mechanical systems, materials, and appurtenances, both existing and new, and all parts thereof, shall be maintained in proper operating condition. All devices or safeguards required by this Code shall be maintained in conformance with the code edition under which installed.

9-7.206. ADDITIONS, ALTERATIONS, OR REPAIRS.

Additions, alterations, or repairs may be made to any mechanical system, or parts thereof, or equipment without requiring the existing to comply with all the requirements of this Code, provided the addition, alteration, or repair conforms to that required for new installation. Additions, alterations, or repairs shall not cause an existing system to become unsafe, unsanitary, or overloaded.

9-7.207. MOVED BUILDINGS.

Mechanical systems and all parts thereof that are part of buildings or structures moved into the City of Modesto shall comply with the provisions of this Code for new installations.

Exception. All parts of the mechanical systems of any building, or parts thereof, that is moved from one (1) foundation to another, or from one (1) location to another, shall be completely tested as prescribed elsewhere in this Code for new work, except that walls or floors need not be removed during such test when other equivalent means of inspection acceptable to the Building Official are provided.

9-7.208. MOST RESTRICTIVE – SPECIFIC REQUIREMENT.

Where, in any specific case, different sections of this Code specify different materials, methods of construction, or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

9-7.209. OTHER LAWS.

The provisions of this Code shall not be deemed to nullify any provision(s) of local, state, or federal law.

9-7.210. APPLICATION OF REFERENCES.

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this Code.

9-7.211. REFERENCED CODES AND STANDARDS.

The codes and standards referenced in this Code shall be considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between provisions of this Code and referenced codes and standards, the provisions of this Code shall apply, unless stated otherwise.

9-7.212. PARTIAL INVALIDITY.

In the event that any part or provision of this Code is held to be illegal or void, this shall Code.

9-7.213. EXISTING INSTALLATION.

Mechanical systems or equipment lawfully in existence at the time of the adoption of this Code may have their use, maintenance, or repair continued if the use, maintenance, or repair is in accordance with the original design and location and no hazard to life, health, or property has been created by such system or equipment.

9-7.214. CONFLICTS BETWEEN PLUMBING AND MECHANICAL CODES.

When the requirements within the jurisdiction of the Plumbing Code referenced in Section 9-2.101 conflict with the Mechanical Code referenced in Section 9-7.101, the Plumbing Code shall prevail.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 4. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2013, by Councilmember Lopez, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Cogdill, Geer, Gunderson, Lopez, Muratore and Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside

APPROVED:


GARRAD MARSH, Mayor

ATTEST:

By 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ADAM LINDGREN, Interim City Attorney

Ord. No. 3594-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2013, Councilmember Lopez, who moved its final adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki and Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:


MAYOR GARRAD MARSH

ATTEST:


STEPHANIE LOPEZ, City Clerk

Effective Date: January 3, 2014

ORDINANCE NO. 3595-C.S.

AN ORDINANCE AMENDING ARTICLE 1 AND ARTICLE 2 OF
CHAPTER 2 OF TITLE 9 OF THE MODESTO MUNICIPAL CODE;
AND AMENDING SECTIONS 9-2.101 AND 9-2.201 RELATING TO
THE PLUMBING CODE.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Article 1 of Chapter 2 of Title 9 of the
Modesto Municipal Code is hereby amended to read as follows:

**ARTICLE 1. ADOPTION BY REFERENCE OF THE 2013 CALIFORNIA
PLUMBING CODE**

**9-2.101. ADOPTION BY REFERENCE OF THE 2013 CALIFORNIA
PLUMBING CODE.**

That certain document, one (1) copy of which is on file in the Office of the City Clerk of the City of Modesto, being marked and designated as the 2013 California Plumbing Code, California Code of Regulations, Title 24, Part 5, as published by the International Association of Plumbing and Mechanical Officials (IAPMO), as now existing, or hereafter amended, regulating and governing the erection, alteration, installation, repair, relocation, replacement, addition to, use or maintenance of plumbing and drainage systems and parts thereof for the protection of public health and safety, providing for the issuance of permits and collection of fees, providing penalties for the violation thereof; and each and all of the regulations, provisions, penalties, conditions and terms of said 2013 California Plumbing Code on file in the Office of the City Clerk of the City of Modesto is hereby referred to, adopted and made a part hereof, as if fully set out in this ordinance, with the additions, deletions, insertions and changes, if any, prescribed in this Chapter, be and hereby is adopted as the Plumbing Code of the City of Modesto.

SECTION 2. AMENDMENT OF CODE. Article 2 of Chapter 2 of Title 9 of
the Modesto Municipal Code is hereby amended to read as follows:

9-2.201. TITLE.

These regulations shall be known as the "Plumbing Code of the City of Modesto," and may be cited and referred to herein as such or may be cited and referred to

herein as the "Plumbing Code," the "2013 California Plumbing Code," the "California Plumbing Code," or "this Code."

9-2.202. PURPOSE.

The purpose of this Code is to establish the minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, access for persons with disabilities, sanitation, adequate light and ventilation, and energy conservation; safety to life and property from fire and other hazards attributed to the built environment; and to provide safety to firefighters and emergency responders during emergency operations.

9-2.203. SCOPE.

The provisions of this Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures throughout the City of Modesto.

9-2.204. APPENDICES.

Provisions contained in the appendices of the 2007 California Plumbing Code shall not apply unless specifically adopted by the State of California Building Standards Commission or the City of Modesto.

9-2.205. MAINTENANCE.

All plumbing or drainage systems, materials, and appurtenances, both existing and new, and all parts thereof, shall be maintained in proper operating condition. All devices or safeguards required by this Code shall be maintained in conformance with the code edition under which installed.

9-2.20 6. ADDITIONS, ALTERATIONS, OR REPAIRS.

Additions, alterations, or repairs may be made to any plumbing or drainage system, or parts thereof, or equipment without requiring the existing to comply with all the requirements of this Code, provided the addition, alteration, or repair conforms to that required for new installation. Additions, alterations, or repairs shall not cause an existing system to become unsafe, unsanitary, or overloaded.

9-2.207. MOVED BUILDINGS.

Plumbing or drainage systems and all parts thereof, that are part of buildings or structures moved into the City of Modesto shall comply with the provisions of this Code for new installations.

Exception. All parts of the plumbing or drainage system of any building, or parts thereof, that is moved from one (1) foundation to another, or from one (1) location to another, shall be completely tested as prescribed elsewhere in this Code for new work, except that walls or floors need not be removed during such test when other equivalent means of inspection acceptable to the Building Official are provided.

9-2.208. MOST RESTRICTIVE – SPECIFIC REQUIREMENT.

Where, in any specific case, different sections of this Code specify different materials, methods of construction, or other requirements, the most restrictive shall e there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

9-2.209. OTHER LAWS.

The provisions of this Code shall not be deemed to nullify any provision(s) of local, state, or federal law.

9-2.210. APPLICATION OF REFERENCES.

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this Code.

9-2.211. REFERENCED CODES AND STANDARDS.

The codes and standards referenced in this Code shall be considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between provisions of this Code and referenced codes and standards, the provisions of this Code shall apply, unless stated otherwise.

9-2.212. PARTIAL INVALIDITY.

In the event that any part or provision of this Code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions of this Code.

9-2.213. EXISTING INSTALLATIONS.

Plumbing systems or equipment lawfully in existence at the time of the adoption of this Code may have their use, maintenance, or repair continued if the use, maintenance, or repair is in accordance with the original design and location and no hazard to life, health, or property has been created by such system or equipment.

9-2.214. EXISTING BUILDING SEWERS AND DRAINS.

Existing building sewers and drains may be used in connection with new buildings or new plumbing and drainage work only when they are found on examination and test to conform in all respects to the requirements governing new work, and the Building Official shall notify the owner to make any changes necessary to conform to this Code. No building or part thereof shall be erected or placed over any part of a drainage system which is constructed of materials other than those approved elsewhere in this Code for use under or within a building.

9-2.215. DRAINAGE OPENINGS.

All openings into a drainage or vent system, excepting those openings to which plumbing fixtures are properly connected or which constitute vent terminals, shall be permanently plugged or capped in an approved manner, using the appropriate materials required by this Code.

9-2.216. CONFLICTS BETWEEN PLUMBING AND MECHANICAL CODE

When the requirements within the jurisdiction of the Plumbing Code referenced in Section 9-2.101 conflict with the Mechanical Code referenced in Section 9-7.101, the Plumbing Code shall prevail.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 4. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of

Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

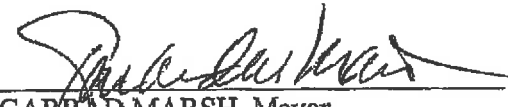
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2013, by Councilmember Lopez, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Cogdill, Geer, Gunderson, Lopez, Muratore and Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside

APPROVED:

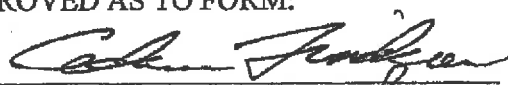

GARRAD MARSH, Mayor

ATTEST:

By 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ADAM LINDGREN, Interim City Attorney

Ord. No. 3595-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2013, Councilmember Lopez, who moved its final adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki and Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:


MAYOR GARRAD MARSH

ATTEST:


STEPHANIE LOPEZ, City Clerk

Effective Date: January 3, 2014